

Message

From: Hanson, Robyn [Hanson.Robyn@epa.gov]
Sent: 4/30/2021 6:00:58 PM
To: Cathy Laughner [cathyl@bkbh.com]; Llamozas, Emilio [Llamozas.Emilio@epa.gov]; Garcia, Al [garcia.al@epa.gov]
CC: Thomas Jodoin [TJODOIN@helenamt.gov]
Subject: RE: MRL Permit
Attachments: RE: MRL Permit

Cathy,

Thanks for raising this question, and for your separate email this morning providing another copy of the currently-issued MRL permit.

Regarding your February 1st email to me, it looks like I sent you a response on February 5th to notify the City of EPA's position that there was more to do and we would have comments. See attached. It is possible that we overlooked reconnecting further, as I can find no additional email traffic specific to the MRL permit concerns or attempts by either side to redline the relevant AOC paragraphs before our most recent revised proposal.

As Emilio explained during our meeting, the revised AOC we presented yesterday does include EPA's complete comments about the outstanding MRL permit deficiencies (see Paragraph 93), which were also raised in our original November 2020 AOC proposal. It also specifies the corresponding compliance actions (see Paragraph 104). So if the parties enter into the revised proposed AOC and the City complies, the continuing permit deficiencies will be addressed.

To summarize the issue underlying the sampling collection deficiency you asked about last night, below is an explanation of why the MRL permit is still deficient. As you note, Part 2. a. of the permit partially corrects the monitoring requirements concern set forth in the original AOC proposal (and renewed in the revised proposal). However, the monitoring frequencies themselves were not corrected to address EPA's previous comments and still indicate incorrectly that monitoring is to occur "Prior to Discharging to the sanitary sewer." Below is a complete excerpt of Part 2. a. of the current MRL Permit, highlighting both provisions:

PART 2- MONITORING REQUIREMENTS

- a. From the period beginning on the effective date of the permit until the expiration date, the permittee shall collect a **grab** sample prior to and during discharge from Outfall 001 for the following parameters, at the indicated frequency:

<u>Parameter</u>	<u>Monitoring Frequency</u>
Benzene	Prior to discharging to the sanitary sewer
BTEX	Prior to discharging to the sanitary sewer

-Robyn

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402.0044.2020_HelenaWWTP

From: Cathy Laughner <cathyl@bkbh.com>

Sent: Thursday, April 29, 2021 10:30 PM

To: Hanson, Robyn <Hanson.Robyn@epa.gov>; Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Garcia, Al <garcia.al@epa.gov>

Cc: Thomas Jodoin <TJODOIN@helenamt.gov>

Subject: MRL Permit

All,

It is my recollection from today's call that one of the reasons EPA thinks the City is not in compliance is because it issued a permit to MRL that does not require sampling during discharge. This is incorrect. Part 2 a of the permit on page 2, requires sampling during discharge. It provides:

"The permittee shall collect a grab sample prior to **and during discharge** from Outfall 001."

Matt Culpo sent the MRL permit to Al Garcia on December 11, 2020 and did not receive any comments back even though Matt said, "Please let me know if you have any comments or revisions."

On February 1, 2021, I brought the December 11, 2020 MRL submittal to Robyn's attention and suggested we discuss it if EPA thought there was more for the City to do (see attached email). Within the next few days would you please inform me whether EPA continues to think the City is not in compliance due to the sampling language in the MRL permit. Thank you.

Catherine Laughner